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9 Attorneys for Plaintiff Michael F. Consedine,  
Insurance Commissioner of the Commonwealth of  
10 Pennsylvania, acting in his official capacity as  
Statutory Liquidator of Legion Insurance Company  
11 and Villanova Insurance Company

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 MICHAEL F. CONSEDINE, Insurance  
Commissioner of the Commonwealth of  
15 Pennsylvania, acting in his official capacity as  
Statutory Liquidator of Legion Insurance  
16 Company and Villanova Insurance Company,

17 Plaintiff,

18 v.

19 CRESCENT TRUCK LINES, INC.,

20 Defendants.  
21

Case No.: C-10-04086 JSW

**STIPULATION FOR ENTRY OF  
JUDGMENT AND JUDGMENT**

22  
23 MICHAEL F. CONSEDINE, Insurance Commissioner of the Commonwealth of  
24 Pennsylvania, acting in his official capacity as Statutory Liquidator of LEGION INSURANCE  
25 COMPANY and VILLANOVA INSURANCE COMPANY (the "Liquidator"), and CRESCENT  
26 TRUCK LINES, INC. ("DEFENDANT"), HEREBY STIPULATE AND AGREE THAT:  
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STIPULATED JUDGMENT AND JUDGMENT

1 WHEREAS, on September 10, 2010 the Liquidator commenced this action alleging that  
2 Defendant owed the Liquidator for amounts advanced pursuant to Large Deductible Endorsements in  
3 certain insurance policies issued by Legion Insurance Company and/or Villanova Insurance  
4 Company.

5  
6 WHEREAS, on October 18, 2010, Crescent filed an Answer with Affirmative Defenses  
7 denying that some or all of the amounts claimed were due and owing;

8 WHEREAS, on March 22, 2011, the Liquidator filed an Amended Complaint and on  
9 April 11, 2011 Crescent filed an Answer with Affirmative Defenses to the Amended Complaint.

10  
11 WHEREAS, the parties hereto have agreed to a settlement and compromise of this action and  
12 entered into a Settlement Agreement and Mutual Release without adjudication of any issue of fact or  
13 law in this action.

14 WHEREAS, in accordance with the terms of the Settlement Agreement and Mutual Release,  
15 the parties stipulate to a judgment entered against the Defendant.

16  
17 1. Judgment shall be entered in favor of the Liquidator and against DEFENDANT,  
18 together with its successors and assigns, in the sum of \$1,000,000, pursuant to the written Settlement  
19 Agreement, entered into contemporaneously by these parties on August 24, 2011.

20 2. DEFENDANT, together with its successors and assigns, consents to entry of  
21 judgment and waives all rights to findings of fact, conclusions of law, trial and/or appeal from said  
22 entry of judgment;

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24 3. DEFENDANT, together with its successors and assigns, agrees that if judgment is  
25 entered pursuant to this Stipulation, any such judgment is not dischargeable under the bankruptcy  
26 laws of the United States of America.

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STIPULATED JUDGMENT AND JUDGMENT

1           4.       DEFENDANT, together with its successors and assigns, agrees that the Judgment  
2 entered pursuant to the Stipulation is enforceable in California, and elsewhere in the United States  
3 upon transfer of the Judgment to any other federal district court outside of California.

4  
5           **IT SO STIPULATED:**

6                           LEGION INSURANCE COMPANY,  
7 (IN LIQUIDATION) AND VILLANOVA INSURANCE  
8 COMPANY (IN LIQUIDATION)

9           By: Bruce M. Daley  
10                   Bruce Daley, Chief  
11                   Takeover Management Division

12                   On behalf of Michael F. Consedine, Insurance Commissioner  
13                   of the Commonwealth of Pennsylvania, acting in his official  
14                   capacity as Statutory Liquidator of Legion Insurance Company  
15                   and Villanova Insurance Company

16           Date: 5/24/11

17                           CRESCENT TRUCK LINES, INC.

18           By: \_\_\_\_\_

19           Title: \_\_\_\_\_

20           Date: \_\_\_\_\_

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28                           STIPULATED JUDGMENT AND JUDGMENT

1 4. DEFENDANT, together with its successors and assigns, agrees that the Judgment  
2 entered pursuant to the Stipulation is enforceable in California, and elsewhere in the United States  
3 upon transfer of the Judgment to any other federal district court outside of California.

4  
5 **IT SO STIPULATED:**

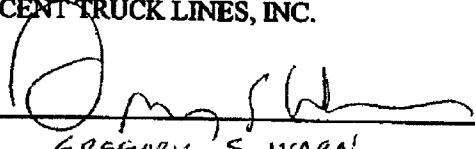
6 **LEGION INSURANCE COMPANY,**  
7 **(IN LIQUIDATION) AND VILLANOVA INSURANCE**  
8 **COMPANY (IN LIQUIDATION)**

9 By: \_\_\_\_\_  
10 Bruce Daley, Chief  
11 Takeover Management Division

12 On behalf of Michael F. Consedine, Insurance Commissioner  
13 of the Commonwealth of Pennsylvania, acting in his official  
14 capacity as Statutory Liquidator of Legion Insurance Company  
15 and Villanova Insurance Company

16 Date: \_\_\_\_\_

17 **CRESCENT TRUCK LINES, INC.**

18 By:  \_\_\_\_\_  
19 GREGORY S. WARN  
20 Title: PRESIDENT

21 Date: AUGUST 17, 2011

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28 **STIPULATED JUDGMENT AND JUDGMENT**


**JUDGMENT**

IT IS SO ORDERED, ADJUDGED AND DECREED THAT:

Judgment is entered in favor of Plaintiff MICHAEL F. CONSEDINE, Insurance Commissioner of the Commonwealth of Pennsylvania, acting in his official capacity as Statutory Liquidator of LEGION INSURANCE COMPANY and VILLANOVA INSURANCE COMPANY (the "Liquidator") and against Defendant CRESCENT TRUCK LINES, INC. ("Crescent"), together with its successors and assigns, in the sum of One Million Dollars (\$1,000,000.00), in accordance with the terms of the written stipulation of the parties and in accordance with the terms of the written Settlement Agreement of the parties.

BY THE COURT:

Dated: August 31, 2011

  
The Honorable Jeffrey S. White  
Judge of the U.S. District Court